

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF RUTH FREIWALD
BY PERSONAL REPRESENTATIVE CHARLES FREIWALD, et al.,

PLAINTIFFS,

CASE NO: 18-CV-896

DEAN HEALTH PLAN, INC. and
PROGRESSIVE CASUALTY INSURANCE COMPANY,

INVOLUNTARY PLAINTIFFS,

v.

ADEYEMI FATOKI, M.D., et al.,

DEFENDANTS.

PLAINTIFFS' PROPOSED *VOIR DIRE* QUESTIONS

Submitted this 9th day of July, 2021

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EXHIBIT A

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DEFENDANTS.

***VOIR DIRE* QUESTIONS**

Background

1. What do you do for work?
2. What other jobs have you had in the past 10 years?
3. What is your marital status; do you have children, grandchildren.
 - a. How old?
4. Who lives with you in your home?
5. Have you or a family member or close friend ever been employed by Brown County or Correct Care Solutions (or Wellpath)?
6. Highest education. If college, area of study?
7. Which networks, radio stations, publications, websites do you frequent?

8. What social media, if any, do you use?
9. Do you belong to any social, political or religious organizations? If so, please describe the organization and your participation in it?

Corrections/Medical Industry

10. Do you have any family members or close friends who have worked in corrections?
11. Do you have any family members or close friends who are doctors, nurses or work in the mental health industry?
12. Would you be inclined to believe a doctor or nurse over someone who is not a doctor or nurse?
13. What experiences —either good or bad—have you or members of your family had with medical providers?

Case-Specific

14. Do you know any of the individual defendants or their families?
15. Do you, your family members or close friends have any medical, psychiatric, nursing or pharmacological training? If yes, please describe.
16. Have you or anyone close to you ever spent time in jail?
 - a. If yes, at Brown County Jail?
17. Have you ever visited Brown County jail for any reason?
18. Have you, your family members or anyone close to you ever been impacted by suicide or attempted suicide?
19. If we could prove to you by a preponderance of the evidence that one or more of the defendants in this case were a cause of someone's suicide, is there anything that would prevent you from finding the defendants liable for their conduct?

20. The burden of proof in this case is the preponderance of the evidence, more likely than not, is there anyone here who thinks it is unfair to apply this burden to doctors? That the burden should be like a criminal case, beyond a reasonable doubt?
21. Same question with respect to damages, does anyone think that it is unfair that the burden of proof on damages is the preponderance standard?
22. Anyone believe they would have trouble awarding money damages against a doctor regardless of the facts?
23. Does anyone here believe that a jail inmate is entitled to a lower standard of medical care than an ordinary citizen?
24. Do you have any beliefs about suicide that would impact your ability to fairly decide a case involving someone who committed suicide?
25. Have you, your family members or close friends ever been diagnosed with any mental health issues?
26. Do you believe mental diseases can be as serious and life threatening as physical diseases?
27. Do you believe that people who have had issues with mental illness can recover or work to improve their conditions?
28. If the evidence supported it, would you have any issue awarding money for harm done to someone who had mental health diagnoses.
29. If the evidence supported it, would you have any issue with awarding damages against a doctor or nurse?
30. Have you ever taken benzodiazepines – such as Xanax, Clonopin, Librium, Paaxipam, Doral, Ativan, Tranxene?

31. Are you familiar with the side effects that can occur because of withdrawing from medications such as benzodiazepines abruptly or without tapering off?
32. Do you believe that any person who has spent time in jail for any reason is less worthy or sympathetic than someone who has not spent time in jail?
33. If you concluded after hearing this case and the Court's instructions that the evidence justified a finding of punitive damages, would you be comfortable or uncomfortable awarding punitive damages against any of the defendants?
34. Based on anything you have heard about this case so far, is there any reason you can think of as to why you could not be a fair and impartial juror.